

**FILED**

JUN 24 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRIS SALGADO,

Petitioner,

vs.

A. P. KANE, Warden,

Respondent.

No. C 05-2681 JSW (PR)

**ORDER GRANTING IN PART AND  
DENYING IN PART CERTIFICATE  
OF APPEALABILITY**

(Docket No. 12)

Petitioner, a prisoner of the State of California incarcerated at High Desert State Prison, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition was denied on its merits. Petitioner has filed a notice of appeal, which the Court construes as including a request for a certificate of appealability ("COA") (docket no. 12).

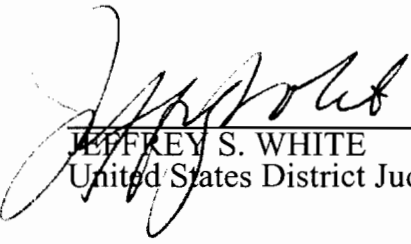
Upon the filing of a notice of appeal and a request for a COA, the district court shall indicate which specific issue or issues satisfy the standard for issuing a certificate, or state its reasons why a certificate should not be granted. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). (citing 28 U.S.C. § 2253(c)(3)). A judge shall grant a COA "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Court finds that "reasonable jurists" could find this Court's denial of the claim that the denial of parole was not supported by

1 “some evidence,” in violation of due process, to be “debatable or wrong.” *Slack v.*  
2 *McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is  
3 GRANTED as to that claim. The certificate of appealability is DENIED as to other  
4 Petitioner’s other claims.

5 The Clerk of Court shall forward this order, along with the case file, to the United  
6 States Court of Appeals for the Ninth Circuit. Petitioner may seek a certificate of  
7 appealability from that court as to any claims for which such a certificate has not been  
8 granted here. *See Asrar*, 116 F.3d at 1270.

9 IT IS SO ORDERED.

10 DATED: JUN 24 2008

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13 JEFFREY S. WHITE  
14 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SALGADO,

Plaintiff,

v.

KANE et al,

Defendant.

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Case Number: CV05-02681 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Chris Salgado C-60052  
Correctional Training Facility  
P.O. Box 689  
B-Wing-339  
Soledad, CA 93960-0689

Dated: June 24, 2008



Richard W. Wieking, Clerk  
By: Monica Narcisse, Deputy Clerk